

The Mayor and Council of Hurlock

POST OFFICE BOX 327

HURLOCK, MARYLAND 21643

410-943-4181

FAX 410-943-8556

E-MAIL: townofhurlock@townofhurlock.org

JOYCE A. SPRATT
MAYOR
JOHN H. AVERY
CLERK / TREASURER

COUNCIL MEMBERS
CHRISTOPHER J. ADAMS
CHARLES T. CEPHAS, SR.
PARKER J. DURHAM
GARY L. HENRY
MICHAEL D. NORDSTROM

MINUTES OPEN SESSION MEETING August 12, 2013 6:00 P.M.

Mayor Spratt called the meeting to order. Following the Pledge of Allegiance, Reverend Paul Bovankovich said the opening prayer. The roll call was then taken. Those in attendance were: Councilmembers Durham, Cephas, Nordstrom, Adams, Henry, Mayor Spratt, Attorney Robert Merriken, and Clerk Avery.

The Agenda, with an addition of Approval of Minutes from July 29th Executive Session Meeting was approved. A Motion was made by Councilman Adams, seconded by Councilman Henry and with no discussion, passed with a vote of 4-1. Councilman Cephas was opposed.

The Minutes of the Open Session Meeting on July 22, 2013 were approved with a Motion from Councilman Nordstrom and a second from Councilman Durham. With no discussion, the Motion was approved with a vote of 4-1. Councilman Cephas abstained.

The minutes of the Executive Session Meeting on July 29, 2013 were approved with a Motion from Councilman Nordstrom and a second from Councilman Adams. With no discussion, the Motion was approved with a vote of 4-1. Councilman Cephas abstained.

Mayor's Report – Mayor Spratt read a closing statement from the Minutes of the Closed Session Meeting held at 4:00 p.m. on July 29, 2013 at the Town Office, 311 Charles Street, Hurlock, MD. "The purpose of the meeting was to consult with Counsel to obtain legal advice pertaining to the recent lawsuit filed against the Mayor and Council, and to consult with the staff, consultants and other individuals regarding the same. State government Article 10-508 7 & 8 allows the closing of the meeting. A Motion to move to closed session was made by Councilman Adams, Seconded by Councilman Henry and passed by Councilman Adams, Councilman Henry, Councilman Durham and Councilman Nordstrom. Councilman Cephas was not present. The Mayor & Council

passed by Councilman Adams, Councilman Henry, Councilman Durham and Councilman Nordstrom. Councilman Cephas was not present. The Mayor & Council immediately retired to closed session. In attendance were Councilmen Adams, Henry, Durham, Nordstrom, Town Attorney Robert Merriken, Town Clerk John Avery and Mayor Spratt. Discussion included the defense of the Breach of Contract lawsuit and the proposed point of law to be used. Advice was obtained from Attorney Merriken regarding who should represent the Mayor & Council. Mr. Merriken suggested Mr. Kevin Karpinsky to represent the Town due to prior work that Mr. Karpinsky has done on separate issues involving Mrs. Clough. The Council, by Motion, and a vote of 4-0 agreed to retain the services of Kevin Karpinsky to represent the Mayor & Council in defense of the suit."

A copy of the Treasurer's Report was included in each Councilmember's folder. Mayor Spratt asked if anyone had any questions regarding the report. There were no questions. The Mayor reported that the Town received a check for Highway User Fees for almost \$49,000.00. The Town can now put bids out for the two streets to be done in town. The fence at Prospect Park is in need of repair/replacement. The approximate cost to replace the fence is \$6,000.00. Discussion was needed on what the Council wanted to do about it. Councilman Adams felt that the fence was there for a reason, so his opinion was to repair the fence, but he would like to look at the fence first before making a decision. Councilman Cephas explained that the fence was initially installed due to complaints from citizens of Prospect of traffic through their yards, also for safety reasons which allowed the police department an opportunity to be there and be proactive if there was any drug activity going on and was an asset. The fence was also required of the park given to the Town as an alternative along with making repairs or putting in equipment by the Insurance Trust. Councilman Cephas made a Motion that if the fence is in need of full replacement or repair, it needs to be done for safety and so the resident's property rights would not be violated. Councilman Adams seconded the Motion. Councilman Durham asked if any bids had been put out for the fence due to the approximate cost. Clerk Avery responded there had been no bids, just an estimate to see how much it might be and also there is the potential for the Public Works Department to do the work. Councilman Cephas suggested that if it is going to go out for competitive bids that the bids come through the Council to open at the table, review, and make a decision. Mayor Spratt felt that Public Works would be able to do the work and it wouldn't have to go out to bids. The cost of \$6,000.00 is for 600 feet of fence. It is not the entire fence around the park and that does not include rails or posts. The rails and posts are basically fine; just one section needs the rails. Councilman Nordstrom asked what the cost might be if the Public Works were able to do it. Clerk Avery said it would probably be half the cost. Councilman Durham recommended that Public Works take a look at the fence and give the Council their thoughts about it. Mayor Spratt asked Public Works Coordinator, Alan Plutschak if he could look into that and he agreed he could. With a Motion on the floor, Councilman Cephas felt the Clerk should put the project out to bids, as the last time this needed to be done, the Public Works Dept. was unable to do the job. The Mayor stated that there are people with the Public Works now that are more capable. Attorney Merriken said you have to do one or the other, you cannot do both. Councilman Nordstrom stated the Motion on the floor was just to replace the fence. Votes on the Motion to replace or repair the fence were; Councilman Durham – Nay, Councilman

Cephas – Aye, Councilman Nordstrom – Nay, Councilman Adams stated he needed to hear what the Motion was. It sounded like it was changed. Mayor Spratt said the Motion is to replace the fence and not have it done in-house. Clerk Avery said the Motion was to put it out for competitive bid to have it replaced. At that point, Councilman Adams voted Nay, and Councilman Henry – Nay. The Motion died due to lack of votes. Councilman Durham made a Motion that Public Works be authorized to repair/replace the fence with costs up to \$3,000.00. Clerk Avery said that materials had not been priced entirely. He would price the materials, review how much actually needs to be replaced and bring it back to the Council. Councilman Durham said if it is under \$3,000.00 there is no need to bring it back to the Council that is what his Motion states. Councilman Nordstrom seconded the Motion. Councilman Adams stated he did not like the \$3,000.00 ceiling in case it ended up costing more. Mayor Spratt said it would be brought back before the Council if it is more than that. The vote was; Councilman Adams – Aye, Councilman Henry – Aye, Councilman Durham – Aye, Councilman Cephas – Nay, Councilman Nordstrom – Aye. The vote passed with a vote of 4-1. Councilman Cephas was opposed.

The next item Mayor Spratt had was a letter from Hurlock Elementary School. Mayor Spratt read the letter stating that on October 22, 2013 the school is holding their 2nd annual Back-to-School Family Carnival. The first event was a huge success and the purpose is to develop a positive relationship with the Hurlock Elementary families from the beginning. It is expected to have the Dorchester County Health Department, Choptank Community Health, Hurlock Police Department and the Hurlock Fire Department on-site that day to share pertinent information. The event will include games and refreshments and provide an opportunity for families to meet our entire staff. In an effort to assist families, it is planned to give away school supplies as prizes. Community support is greatly needed to make this event a success. Therefore they are requesting financial support from community friends. Any donation is appreciated. The Mayor asked the Council if they would like to donate to this event. It is for school supplies for students going back to school. Councilman Adams said he would donate \$100.00 out of his pocket. The Mayor asked the Council what they wanted to do. Councilman Nordstrom asked if they had donated before. The Mayor answered yes. A donation was made last year of \$250.00. Councilman Nordstrom made a Motion to donate \$500.00 to the school. Councilman Adams seconded the Motion. Councilman Cephas has a question about a decision made previously by the Council not to donate to outside organizations. He recommended that each Councilmember donate \$100.00, and that would be \$500.00. It then would not be coming out of the Town's money. Councilman Nordstrom asked what did he mean by going outside. Councilman Cephas said that it was Councilman Nordstrom who stated it would be opening Pandora's box and it was agreed that the Town would not do this. Councilman Cephas thought that by each member giving \$100.00 it would exceed the \$250.00. Councilman Nordstrom said his Motion was to donate \$500.00 and said he was looking at it as giving to our Town's children and any of them that needed help. He was looking at it as need based for the students in our Town's school. Councilman Cephas stated he was putting a second option on the table. It was a way for the Council to participate individually without taking any money from the Town. Councilman Nordstrom said if every one of the Councilmembers were willing to donate \$100.00, then go with that. Mayor Spratt said she did not bring the letter to the

Council to ask them to donate out of their pockets; it was to get a decision on the Town donating. With a Motion on the table, and a second, the vote was as follows: Councilman Durham – Aye, Councilman Cephas – Nay, Councilman Nordstrom – Aye, Councilman Adams – Nay, Councilman Henry – Aye. The Motion passed with a vote of 3-2 to give the elementary school \$500.00. Councilman Cephas and Councilman Adams were opposed. Councilman Adams said he agreed with Councilman Cephas in that at the beginning of their term, it was decided that the Council was not going to make donations. At that time he was against that because he knew there would be times when the Council would feel like they should donate. He was happy however either way.

Mayor Spratt then read a letter from North Dorchester High School Cheerleaders. The cheerleaders have been invited to compete in the Gator Bowl Cheer Nationals in Jacksonville, Florida December 29th through January 1, 2014. The invitation includes the team participating in the National Cheer Competition, performing in the Gator Bowl half time, and the Gator Bowl Parade. The team consists of 24 members and they would love to have the opportunity to compete at the National level. The team is looking for financial assistance from local businesses, organizations, and members of the community. The cost is approximately \$1,000.00 per team member to participate. Any support is appreciated whether monetary donation or helping to organize and execute a fundraiser. Councilman Nordstrom felt that donating to the school for supplies for the children so they can have what they need is beyond donating to something like this. Councilman Cephas said Councilman Nordstrom is not wrong, but if you do for one you should do for all. Councilman Adams suggested the Council assist the team in holding a fundraiser. Councilman Cephas felt that these kids are in need of doing something that would enhance their lives. If the Town is willing to do for one, it should consider doing for the other. Councilman Cephas made a Motion to donate to the cheerleaders the amount of \$250.00. The Mayor said she felt there should be guidelines set. Councilman Adams suggested that they table the subject and set up guidelines as to whether the Town should give donations. Councilman Cephas withdrew his Motion.

The issue of appointing members to the Ethics Commission was next and the Mayor said she had 3 people she was seeking approval for from the Council. The potential members were Vaughn Evans, principal of North Dorchester Middle School; Linda Wilson, principal of Hurlock Elementary School and James Murray, a businessman that lives in Hurlock. Councilman Cephas stated that at the last meeting, he had on the floor, that there be an amendment to the Charter to have one member from each district to represent the Ethics Board which will also give them the power of an even vote. Attorney Merriken advised that the ordinance in effect currently is Ordinance #1985-2 and it states that the Mayor will appoint the members to the Ethics Commission. The Mayor does not have to submit her choice to the Council. This Ordinance is effect until the Council repeals and replaces it. The Ordinance reads, “There shall be an Ethics Commission of the Town of Hurlock which shall be appointed by the Mayor.” There is no approval from the Council needed. Mr. Merriken does have an Ordinance to replace the current one, but that Ordinance, once the Council gives input, has to be resubmitted to the Ethics Commission. Once it is approved at the State Ethics Commission level, it will come back to the Town and an Ordinance can be enacted. At that point a decision can be made whether to have 3 or 4 members. Councilman Cephas said that it conflicts with the Charter, which requires approval by the Council. Mr. Merriken read from the Charter,

Section 404, "The Mayor, with the approval of Council shall appoint the heads of all offices, departments, and agencies of the Town government as established by this Charter or by Ordinance", but as this is a Commission, it does not fit in with that definition. Councilman Cephas stated at one time there were 3 Councilmembers, but citizens said they wanted their district represented, so another Councilmember was added to the Council. So therefore he feels there should be a representative from each district on the Ethics Commission. More discussion ensued regarding the issue, with Mr. Merriken stating that the Ethics Ordinance can be changed. Currently the Mayor does not need approval to appoint members to the Ethics Commission. The Mayor stated she brought the names to the Council so they were aware who was being appointed and to see if there was a problem with any of them. No one disagreed with the appointees so they will serve until and unless the Ordinance is changed.

Mayor Spratt announced that plans to hold an Open House at the Hurlock Police Department are in the works. Hopefully this will be held on September 12, 2013 from 3:00 to 8:00 p.m. The event will be advertised and the hours set for working people to be able to attend. There will be experts in attendance to answer any questions regarding the condition of the building. A definite time and date will be announced on August 26.

Councilman Cephas asked who would be there. Clerk Avery answered that a representative from LGIT, Tim Crosby from Crosby and Assoc. who did the initial work on the proposal of the police department. Councilman Cephas asked if anyone from the USDA would be there. Clerk Avery said he would invite them.

Reverend Paul Bovankovich suggested having a business appreciation evening, inviting all business owners or managers. Some ideas included presenting awards for oldest business, youngest business, nicest front, nicest inside and other awards. Also possibly have a booklet with ads from all the businesses. This is a way to bring business owners and townspeople together and have a nice evening. A Town forum could be a good idea to obtain feedback from the businesses to see what they need.

September 21, 2013 is the date chosen for the event that Pastor Jeff Phillips of the Wesleyan Church asked the Town to assist with. The churches would be working together with the children. Hopefully it will be held on the school property. A meeting will be held with Pastor Phillips on August 23rd. When the information is confirmed, Mayor Spratt said she would post it on the Town website.

The Fall Festival Committee is meeting on Tuesday, August 13th at 4:00p.m.

Councilman Cephas asked Mayor Spratt how much money is in the General Fund. Mayor Spratt responded that the councilmembers were supplied with a Treasurer's report that is current as of July 31, 2013. Councilman Cephas asked about the fund in Provident State Bank; is the amount stated on the Treasurer's report correct? The statement shows what was in the bank on July 31, 2013.

County Councilman Rick Price Report – Councilman Price reported that the last County Council meeting was held on Tuesday August 6, 2013. Mr. David Owens and Mayor Spratt were in attendance to participate on a committee to develop a North Dorchester railroad through this area for purposes of tourism and perhaps open the potential for more development, business, etc. The Hurlock Council has agreed for the Town to be a pass-thru agent. The purpose is for this group to acquire that line and gain support to promote it in such a way to get an active rail line going through the area of Hurlock-Preston. The County Council voted to correspond with the Department of

Transportation to have some dialogue, including the annual meeting with legislators in November to try to get this moving. Everything has been done except for their approval to turn this line over to this group with the caveat that over time it could be reverted back to the State if this group doesn't get anywhere and decides to abandon the pursuit of the project.

Approval of an agreement with a company called Standard Solar of Rockville, MD to develop a solar project in the Beulah area. If this takes place, it would save the County a great amount of money over 20 years in energy costs. Anytime during those 20 years, if it doesn't work out, after 6 years or beyond it could be abandoned and the company would take care of undoing what was started. A Special Exception is needed in order to do this and a hearing before the County Board of Zoning Appeals is August 22, 2013 at 7:20 p.m. Details will be heard of what the project entails and will entertain questions. Other business included a grinding contract at Beulah landfill and to advertise bids for paving grants on 8 roads and 5 marine facilities. The 2 portions of these roads, not the whole road, in this area are Gravel Branch road and Indian Town road, and the Council agreed to advertise bids from contractors to help county roads during the snow season, if needed. The next meeting of the County Council is August 20 at 6:00 p.m.

Councilman Cephas asked Councilman Price what the impact would be if Town residents separated from the County Tax. Councilman Price answered that it would depend on what services were found that Town residents received from the County. Councilman Cephas asked if Councilman Price knew what services were received. Councilman Price replied that the Town has its own police department and public works department, but he requested time to check on other things as far as infrastructure needs are.

Department Reports – Police Chief, Les Hutton reported that in July there were 219 calls for service. Of those calls 29 were 911 calls. Chief Hutton also announced that on the 26th of August, school starts and he asked everyone to be careful of the children out on the streets. On Wednesday August 14th at 6:00 p.m. Chief Hutton will be at the Prospect Park Playground for a community meeting with Rev. Cephas and to discuss concerns of citizens. Everyone is welcome to attend. Councilman Cephas thanked the police force for looking out for the children. Councilman Cephas also wanted to tell of activities just down the street from a resident, she complained to the police department and they made a series of arrests as a result of that report. Councilman Cephas went on to talk of the severe drug problems in the Town. He said he is in favor of the police department, just not at that cost. He praised the force for the work that the officers do and the fact that they now get out of their cars and walk the neighborhood to talk with residents and children. Councilman Cephas again made a request that the police department hire a part-time person to answer calls in the evening, so the calls didn't have to go to the sheriff's department. Councilman Durham asked Chief Hutton if the 219 calls were just for the Town, not the County or the State? Chief Hutton answered yes, just for the Town. Councilman Durham asked if the police department was getting statistics from the State. Chief Hutton stated he could request the information.

Mayor Spratt introduced Alan Plutschak, the new Public Works Coordinator for the Town of Hurlock. Mr. Plutschak gave a report on the bids that were opened last week for trash pickup. There were 2 bids, Chesapeake Waste Industries and Patrick's Garbage

Disposal LLC. The bid from Patrick's was \$5.40 per unit or \$4300.00 per month. From Chesapeake Waste, the bid was \$3.98 per household or \$3,184.00 per month. Mr. Plutschak's recommendation was to stay with Chesapeake Waste Industries. There have not been any recent problems and the Mayor stated if problems occur, they fix the problem. The amount is a reduction of \$4800.00 over last year. A Motion was made by Councilman Durham that the Town accept the bid from Chesapeake Waste Industries. Councilman Henry made a second. Councilman Cephas asked Mr. Plutschak if he could figure what it would cost for the Town to have their own trash collection. Councilman Cephas stated this would be for future reference. With a Motion and a second, the vote was Durham – Aye, Cephas – Aye, Nordstrom – Aye, Adams – Aye, and Henry – Aye. With a vote of 5-0, the Motion was passed.

Old Business – The Mayor asked Clerk Avery to speak regarding the Board of Election Contract with Dorchester County. Clerk Avery stated the Town has the Election Contracts for the November elections from the Dorchester County Board of Elections. It is basically the same contract the Town had 2 years ago. His recommendation was to go forward with signing the contract and have the County Board of Elections handle the elections for the Town. Councilman Cephas asked about a previous discussion in which there would be a referendum added to the contract. Clerk Avery advised this contract is strictly for the elections. If a referendum is needed, it could be added. Attorney Merriken stated he had forwarded correspondence to the Town with information that the referendum is not the appropriate process if you want to have advisory questions, but would not be binding on the Council. Councilman Cephas agreed it would not be binding to the Council, but would let the Council get a feel as to what the citizens want. Councilman Cephas asked to see the letter that was sent. Mr. Merriken said he believes he did e-mail to the Mayor & Council. He did not know how it was dispersed once it was sent. Mayor Spratt stated that Clerk Avery distributes the e-mails. Clerk Avery stated that he and Councilman Cephas discussed that the issue would be non-binding and Councilman Cephas agreed that they had talked about that. His opinion was that the Council, in the past 3 years, has made some rash decisions that should not have been made. \$1.4, \$1.5 million dollar decisions is something that all of the citizens of the Town should have input on. There was one meeting held in which it was discussed that an increase in taxes should take place. Councilman Cephas felt there are issues involving the Town that the citizens need to be made aware of. Mr. Merriken stated that the correct term would be "ballot question" and would not be binding. He then asked Clerk Avery would the contract deal with ballot questions. Clerk Avery said the Town might have to pay extra for ballot questions. Councilman Cephas was told by personnel at the county office that the Town would have to pay extra. Mr. Merriken said that this contract is specifically for the election itself and if the Town wants to do ballot questions an addendum would have to be added to the contract. Councilman Adams asked if the Council could get a copy of the contract to which Clerk Avery answered yes. Mayor Spratt asked for a Motion to sign the contract with the county. Councilman Durham made a Motion, with Councilman Adams seconding the Motion. The votes were as follows: Durham – Aye, Cephas – Aye, Nordstrom – Aye, Adams – Aye and Henry – Aye. The Motion was passed with a vote of 5-0 and no one opposed. Mr. Merriken advised the Mayor & Council they needed to go back to the Ethics

Ordinance to decide if the Council wants to have 3 or 4 members. If there were 4 members, that would be 1 member from each district. It could be difficult to find 4 qualified members to sit on the Board. Councilman Durham recommended that an odd number be maintained so there are no ties. He felt that 3 would be an accepted number and that 5 were too many. Councilman Cephas reiterated he felt strongly that there should be full representation from each district. The Mayor called for a vote. Councilman Durham voted 3 members, Councilman Cephas voted 5 members, and Councilmen Adams and Henry voted 3 members. Mr. Merriken stated there are currently 3 members and again stated the Mayor does not need approval of the Council to name members to the Ethics Board. Councilman Durham said he does not want the Council to vote, he feels there would be a conflict of interest. Councilman Cephas again stressed he felt there should be 4 representatives. Councilman Adams asked who would break the tie. Councilman Cephas said the Town attorney could advise on the issue. Councilman Adams asked the Mayor, of the 3 members she has chosen, how many districts are represented? The Mayor answered 3 districts are being represented. The members do not have to come from different districts. It needs to be decided if the Mayor should seek approval from the Council for her appointments to the Ethics Board. Councilman Durham voted Nay, Cephas – Aye, Nordstrom – Nay, Adams – Aye and Henry – Aye. With a vote of 3-2, the Mayor should seek approval from the Council before finalizing future appointments on the Ethics Commission. Mr. Merriken went on to say there is another section in the Ethics Ordinance where technically all the individuals in the Town who have decision-making responsibilities, policy recommendation responsibilities, or authority to commit Town's expenditure of funds would be required to submit Financial Disclosure Statements. This includes the Council. People that may need to be considered are the Town Clerk/Treasurer and possibly the Planning & Zoning Commission Board and/or Appeals Board. Clerk Avery said he has no problem submitting a financial statement. Would you want to require these boards to do this with the understanding that the Ethics Commission, once it goes through its steps, may be able to exclude these people from having to submit their financial statement? Councilman Durham suggested not including the members of the Planning & Zoning and Appeals Board. It is hard enough trying to find people to serve on these boards without subjecting them to this. They are not even paid. Councilman Cephas stated there was a deadline for filing under the Ethics Ordinance. Apparently the former Town Clerk thought that should apply to everyone, but Councilman Cephas was the only one who was singled out and had to submit a FDS.

The current ordinance that is in effect now does not call for FDS and the Council has not passed the ordinance he is currently working on that does require the FDS, which would then put the Town in compliance with State law. Councilman Cephas said the new law has said all Councilmembers have to file a FDS. To his knowledge he does not know anyone on the Council who has filed a FDS. Mayor Spratt stated she has filed one. The State law requires the Town to make an ordinance, but the Town has not done it yet. The Town is currently in violation of this ordinance and that is what is trying to be fixed. Councilman Cephas feels the Planning Commission Board and the Appeals Board should be required to file a FDS. Some people do not want that information put out for all to see. A vote was taken. Councilman Adams voted Nay, Councilman Durham – Nay, Cephas – Aye, Nordstrom – Nay and Henry – Nay. The vote was 4-1.

A discussion on Property Maintenance Code 2012 was delayed due to the meeting going so long. Mr. Merriken suggested submitting responses to this subject to Clerk Avery and he will forward the information to him.

New Business - Mayor Spratt asked if anyone on the Council had any new business. There was none.

Public Comment – Mayor Spratt explained that there are 6 people listed on the agenda. Councilman Cephas stated on his request he had many issues. The Mayor asked if he wanted to be put at the end so he would have more time. Everyone agreed that was fine. Reverend Dickerson addressed the Mayor. Rev. Dickerson felt that the public has a right to know what is going on in Town Business. He further stated he felt that the Mayor owed the Town an apology after her behavior at the last meeting for shutting the meeting down early.

Dr. Kay McElvey requested that they waive the summer rent for the ALS house. The group has been under great stress this past year and had a very important person pass away. They were unable to do summer programs to raise money, therefore she is asking for the Town to forgive rent for July, August, and September. Councilman Durham said the Town had already waived rent for 3 months of \$500.00 last winter. This would bring the total to 6 months the waiving of rent. Councilman Cephas asked Dr. McElvey to explain her program. She said they care for children of all kinds, colors, etc., after school from 3-6. They do recreation, help them with their homework, they teach them good manners, they involve parents, and try to make them into young respectable children who will not be the ones to break into your homes and steal from you. Councilman Cephas asked if they ever do maintenance. She replied they once had the interior painted. Councilman Nordstrom questioned what fees are charged for the children. They charge \$25.00 per week. The number of children varies from time to time. Councilman Durham asked what revenue was available other than the \$25.00 per child. Dr. McElvey answered that right now there is only 1 very small grant. The grant supplier told them they are now ready to write their own grants. Mayor Spratt said last winter; they had to move to the school because they could not afford oil to heat the building and asked what it looked like for this year. Did they have a plan in place? Councilman Henry made a statement that this program is important in keeping children on track. If it is a program that helps, it becomes more of a benefit long term if it keeps the children from ending up on the street, and helps them become more productive students and productive citizens and it also gets other adults into volunteering and that is a positive unity effect. Councilman Henry stated he would be willing to waive the rent again even though the situation from last winter was an issue for the Town, because they had to winterize the house. That was why the Mayor asked that question, we are hoping that won't happen again. However, as far as the overall benefit he sees it as a program that if the Town can support it, it would be worthwhile in the long run. Councilman Durham stated in the previous months when they were unable to afford oil to heat the house and the Town had to winterize the house and shut the water down, they were unable to afford the rent for which the Town forgave the \$500.00 rent for that period of time. They moved to the school and the school allowed them to run the program there. Councilman Durham questioned, wouldn't that be a more appropriate venue for this program than to keep

trying to make payments of rent and oil, etc.? Dr. McElvey explained that from the very beginning she said no to using the school. Since the children are in school all day, then to stay in the school until 6:00 p.m., it is not productive. It has been shown that a change of scenery revitalizes and energizes people, so it is found that things can be done away from the school system that cannot be done in the school system. They have a spiritual program that in the school system could be taken out of their curriculum. Councilman Cephas felt the children need to be somewhere other than the school. Councilman Cephas made a Motion to waive the rent for the ALS house for the months of July, August, and September. Councilman Henry seconded the Motion. Councilman Durham said there was a registered letter sent to Dr. McElvey that specifically said there would not be another extension, and to make arrangements to find another facility. Dr. McElvey acknowledged she did get the letter and that she was offended by it happening again. With a Motion and a second on the floor, the vote was as follows: Parker – Nay, Cephas – Aye, Nordstrom – Nay, Adams – Aye, Henry – Aye. The Motion passed with a vote of 3-2.

Mr. Monroe Quailes spoke next and asked for Mayor Spratt to be censored for her behavior at the last meeting. He said there is a Code of Conduct and Councilman Cephas yielded the floor to the Mayor. She shut down the meeting after she finished what she wanted to say. Mr. Merriken questioned what suits Mr. Quailes was talking about. Mr. Quailes said the lawsuit filed by Kathy Clough, and the fact that she was allowed to receive unemployment. Mr. Merriken stated that the suit is not for wrongful discharge; it is for Breach of Contract. That is public record.

Kim Truitt spoke that she would like for business owners in the Town to be able to vote in local elections. She felt that a citizen living in town for 30 days is not long enough for them to know whom they are voting for, she felt 6 months would be better. A business owner is invested in the Town; they bring revenue, and pay more taxes than a property owner does. Councilman Durham thought it was a good idea for business owners to be able to vote and he would be in favor of them being allowed to vote. The Mayor wanted to clarify that it would be someone who is has a business license registered with the County. Councilman Durham stated he would go so far as to include property owners, as rules, regulations, laws, etc. affect them, if they have rental property in the Town. Councilman Cephas felt there should be research done to see if there are any pit falls to allowing this to happen, and told Ms. Truitt she brought up a wonderful question. Councilman Nordstrom felt it was an issue that needs to be acted on as businesses do bring revenue into the Town, and they need to sit down and discuss what would need to be done, Charter change, etc. Mr. Merriken said he was not sure if what is being proposed would be legal. The Mayor & Council asked him to look into the issue. Mr. Merriken was also asked to look into the length of time a registered voter could live in Town before being allowed to vote in a local election.

Councilman Adams wished to make a Motion that the Town of Hurlock reclassify the Waterland Fisheries, Inc., which is an aquatic business, from a Significant Water User to a Commercial Water User and that all previous sewage rates be converted to the Commercial Business User rate. He felt this was one way of helping this business. He

said he has been assured that the business is here to stay. Councilman Cephas seconded the Motion. Councilman Nordstrom asked Clerk Avery if there is a difference between Significant Industrial and Industrial. There is no difference in the rate; it is \$3.76 per thousand gallons. Commercial rates are \$1.86 per thousand gallons, Industrial is \$3.76 per thousand gallons. Mayor Spratt asked if Councilman Adams was talking about waiving the \$58,000.00 that he owes the Town. Councilman Adams is talking about converting it to Commercial rates. The Mayor said the \$58,000.00 has taxes in it also. Mayor Spratt asked if you change the rate for Waterland Fisheries to \$1.86, what would keep B&G or Amick from asking for theirs to be changed too. You have to treat everyone the same way. Councilman Adams said that Waterland Fisheries has its own well, and it is just the excretion that is being dealt with. Councilman Durham stated Waterland Fisheries also has over \$50,000.00 treatment bill. Councilman Durham called for a vote. The vote was: Durham – Nay. Councilman Adams asked Clerk Avery a question regarding the amount of usage was set in the category you are in; ex: over 25,000 is considered Significant Industrial User. At this time Waterland Fisheries is using approximately 70,000 gallons of water. Clerk Avery stated he has the option of installing sewage flow meters, but has not opted to do that, he has chosen to use the meters on the pumps due to the cost of installing the meters. The vote continued with Councilman Durham again voting Nay, Councilman Cephas - Aye, Councilman Nordstrom – Nay, Councilman Adams – Aye, Councilman Henry – Nay. With a vote of 3-2, the Motion died for lack of a majority.

Councilman Cephas stated that the Mayor does not have the authority to close a meeting as she did at the last meeting. He said the rules say you cannot stop a meeting without just cause. Comments made about people being bussed in at the last election and adding people to the rolls. This new election should be clean. Councilman Cephas showed concern regarding lawsuits. There have been several lawsuits and mounting attorney fees. There is a problem where information does not flow freely. It negates many issues that had been brought up in the past. Lawsuits occur because something has been done wrong. The truth is a lot of lies have been told. Councilman Nordstrom has been included in 2 of the lawsuits that were EEOC complaints for discrimination and harassment that is problematic to him. Councilman Cephas said in his opinion, the Town has refused to settle the lawsuits and it costs the Town more money. He continues to go to battle with the Mayor & Council. He has evidence that some councilmembers have had a conspiracy. Businesses have left Town, the Town lost \$193,000.00 from Allen Foods, and this was lost due to negligence. At the last meeting he did not get to make a Motion because the Mayor would not let him. The Town has over \$600,000.00 in unrestricted funds, and he feels taxes and water bills should be reduced as a use of some of this money. Councilman Cephas then stated he wished to make 2 Motions. The first Motion was to allow all Council members to communicate with the Town attorney and not have to go through the Town Clerk. The Motion died for lack of a second. The second Motion Councilman Cephas made was for him to be allowed to attend training in the Open Meetings Act. The new laws state that one member of the Council has to represent the Council. The training needs to be completed after October 1, 2013; it would not apply before that date. Mr. Merriken suggested that when October 1st comes, that Councilman Cephas sign up to do the training and then he could be the certified member.

The Mayor said if no one else wants to do it. The Motion died for lack of a second.

Public Comment - Mr. Earl Murphy stated he has dealt with 3 police administrations in the Town regarding thefts, with no results, also a sexual predator issue with no results. A little more than a year ago there was a theft of almost \$5,000.00 and again with no result. Mr. Murphy stated he is in favor of the new police department and feels that, as a citizen it could be a deterrent. He wants to know how some of what he has personally dealt with in the Town can be fixed. He asked to be able to speak with the police administration. As far as trash pick-up, for \$3.98 per unit, is that occupied and vacant? The Mayor said there should not be any trash if the unit is vacant. He said a few months ago it was suggested that yard waste be taken to the dump. He did that and was charged \$18.00. He did not like that suggestion. The Mayor told Mr. Murphy 3 bags would be picked up on Tuesday and 3 bags on Friday. Mr. Murphy also said there was a drag racing incident in his neighborhood and he presented it to the Town, but has not heard anything regarding this. It has not happened since, but he was told action would be taken and he had not heard anything. Finally, regarding the Fall Festival, people have been calling him and telling him they were told by the Town that he is in charge. Mayor Spratt asked if he had spoken to Teri about the vendors. He said he has not talked to anyone. He doesn't mind volunteering his time, but he needs to be asked.

Mr. Bobby Powell, a contractor in the Town for over 30 years and lived in Town for approximately 20 years and does not plan on leaving. He owns a business on Main Street and other property with a partner. He feels that as business owners being involved in the Town, and paying taxes, they would like to have some say in how things are done and about the representation in the Town.

Mr. Frank Bittner announced there is a prayer service every second Friday of the month at 6:00 p.m. at the Adams Center. He invited everyone to attend. He also stated people had mentioned to him they would like to have a citizen's day forum. He said if they would like to meet with him in the parking lot after the meeting, he would get their name and phone number. The election is coming up in the Town and Hurlock still has the highest paid Council of any Town in the region. He would like to feel the people are getting their money's worth and that the Council works for the Town's people.

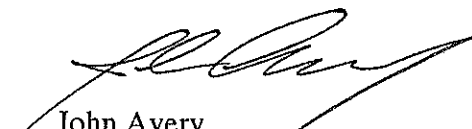
Ms. Charlotte Hughes wanted to inform the Council that the police were in violation and she said if the Town police put their hands on her again, she would sue them. Chief Hutton said he was requested by a family member to take her home.

Mayor Spratt announced she is aware of interest in 2 new businesses in the Town.

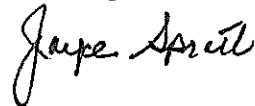
Mr. Jack Lewis asked Clerk Avery a question regarding wires coming out of the ground in front of 105 Miles Circle. Mr. Avery said they are temporary wires for cable and belong to Bay Country Communications.

Councilman Nordstrom made a Motion to adjourn the meeting. Councilman Henry seconded the Motion. The meeting was adjourned at 8:46 p.m. The next meeting will be August 26, 2013 at 6:00 p.m.

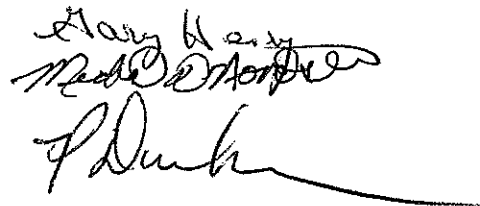
Respectively submitted,


John Avery
Clerk/Treasurer

Approved: Mayor Spratt:



Councilmembers:



MOTIONS AND VOTES BY COUNCIL MEMBERS

OPEN SESSION MEETING

AUGUST 12, 2013

MOTION to approve Agenda with an addition of the minutes of July 29th Executive Session – Motion by Councilman Adams, seconded by Councilman Henry, and with no discussion, the Motion passed with a vote of 4-1. Councilman Cephas opposed the vote.

MOTION to approve Minutes from Open Session Meeting of July 22, 2013 – Motion to approve made by Councilman Nordstrom, seconded by Councilman Durham, and with no discussion the Motion passed with a vote of 4-1. Councilman Cephas abstained.

MOTION to approve Minutes from Executive Session Meeting of July 29, 2013 – Motion to approve made by Councilman Nordstrom, seconded by Councilman Adams, and with no discussion the Motion passed with a vote of 4-1. Councilman Cephas abstained.

MOTION to approve the replacement/repair of fence at Prospect Park and put the project out for bids. Motion to approve made by Councilman Cephas, seconded by Councilman Adams and with some discussion, the vote was as follows: Councilman Durham – Nay, Councilman Cephas – Aye, Councilman Nordstrom – Nay, Councilman Adams – Nay, Councilman Henry – Nay. The Motion died from lack of majority vote.

MOTION by Councilman Durham to authorize Dept. of Public Works to repair/replace the fence at Prospect Park with costs up to \$3,000.00. If the project was more it would be brought back before the Council. Councilman Nordstrom seconded the Motion and with some discussion, the vote was as follows: Councilman Durham – Aye, Councilman Cephas – Nay, Councilman Nordstrom – Aye, Councilman Adams – Aye, Councilman Henry – Aye. The Motion passed with a vote of 4-1. Councilman Cephas was opposed.

MOTION by Councilman Nordstrom for the Town to donate \$500.00 to the Hurlock Elementary School for supplies for the students. The Motion was seconded by Councilman Adams and with some discussion, the vote was as follows: Councilman Durham – Aye, Councilman Cephas – Nay, Councilman Nordstrom – Aye, Councilman Adams – Nay, Councilman Henry – Aye. The Motion passed with a vote of 3-2. Councilmen Cephas and Adams were opposed.

MOTION by Councilman Cephas to donate \$250.00 to the North Dorchester High School Cheerleaders. After some discussion, Councilman Cephas withdrew his Motion.

MOTION by Councilman Durham that the Town accept the bid from Chesapeake Waste

Industries for Town trash pick-up. Councilman Henry seconded the Motion. With some discussion, the vote was as follows: Councilman Durham – Aye, Councilman Cephas – Aye, Councilman Nordstrom – Aye, Councilman Adams – Aye and Councilman Henry – Aye. The Motion passed with a vote of 5-0 and no one opposed.

MOTION by Councilman Durham to allow the Town of Hurlock to sign a contract allowing the County to handle the elections. The Motion was seconded by Councilman Adams and with no discussion, the votes were as follows: Councilman Durham – Aye, Councilman Cephas – Aye, Councilman Nordstrom – Aye, Councilman Adams – Aye and Councilman Henry – Aye. The Motion passed with a vote of 5-0 and no one opposed.

A vote was taken by Councilmembers to have the Mayor seek approval from the Council before finalizing future appointments on the Ethics Commission. Votes were as follows: Councilman Durham – Nay, Councilman Cephas – Aye, Councilman Nordstrom – Nay, Councilman Adams – Aye and Councilman Henry – Aye. With a vote of 3-2 the Mayor should seek approval from the Council before finalizing future appointments on the Ethics Commission. Councilman Durham and Nordstrom were opposed.

A vote was taken by Councilmembers to decide if the Planning Commission and the Board of Appeals members should have to submit a Financial Disclosure Statement. The vote was as follows: Councilman Durham – Nay, Councilman Cephas – Aye, Councilman Nordstrom – Nay, Councilman Adams – Nay, and Councilman Henry – Nay. With a vote of 4-1 it was decided against these 2 boards having to submit Financial Disclosure Statements.

MOTION by Councilman Cephas for the Town to forgive rent of \$500.00 for the ALS house for the months of July, August and September. Henry seconded the Motion. After some discussion, the vote was as follows: Councilman Durham – Nay, Councilman Cephas – Aye, Councilman Nordstrom – Nay, Councilman Adams – Aye, and Councilman Henry- Aye. The Motion passed with a vote of 3-2. Councilmen Durham and Nordstrom were opposed.

MOTION by Councilman Adams for the Town to reclassify the Waterland Fisheries Inc. from a Significant Water User to a Commercial Water User. Councilman Cephas seconded the Motion. After much discussion, the vote was as follows: Councilman Durham – Nay, Councilman Cephas – Aye, Councilman Nordstrom – Nay, Councilman Adams – Aye and Councilman Henry – Nay. The Motion died from lack of a majority vote.

MOTION by Councilman Cephas asking that the Town allow him to attend training in the Open Meetings Act. After much discussion, the Motion died from lack of a second.

MOTION by Councilman Nordstrom to adjourn the meeting. Councilman Henry seconded the Motion and with all in favor, the meeting was adjourned at 8:46 p.m.